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GROUP 260



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

INVENTOR: D. Whipple

TITLE: PRIORITY APPARATUS HAVING PROGRAMMABLE NODE DWELL
TIME

SERIAL NO.: 07/405,792

EXAMINER: Marcelo, M.

FILED: September 11, 1989

ART UNIT: 263

ATTORNEY'S DOCKET NO.: A85010CIPCCIP

Commissioner of Patents and Trademarks
Washington, D.C. 20231

RESPONSE AFTER FINAL REJECTION

Sir:

A response to an office action was mailed on October 10, 1990 with a terminal disclaimer, as required by the Examiner. This terminal disclaimer disclaimed the terminal part of any patent granted for the above referenced U.S. Patent application that would expire beyond the term of U.S. Patent 4,926,419. In an office action dated November 23, 1990 (paper no. 9) the Examiner finally rejected Claims 1-3 and 5-14 and stated that the previously filed terminal disclaimer was not acceptable for the reasons set forth in paper no. 7. However, a copy of paper no. 7 had not yet been received. In a telephone interview held on December 10, 1990 the Examiner informed Attorney Harry F. Smith (Reg. No. 32,493) that he would look into the status of the application, particularly the status of paper no. 7. A copy of paper no. 7 was received by the applicant on

December 18, 1990. The Examiner is thanked for his efforts in facilitating this matter.

Paper no. 7, copy attached, appears to indicate that the instant patent application, a CIP, was not assigned and, as a result, the terminal disclaimer filed by the assignee was ineffective. A copy of paper no. 5 is also attached; paper no. 5 indicating that title to the invention is vested in the inventor.

However, an assignment to Wang Laboratories, Inc. was filed on September 11, 1989 contemporaneously with the filing of this CIP application. A copy of this assignment is enclosed as is a copy of a return postcard bearing a USPTO mailroom stamp dated September 11, 1989. The return postcard indicates that the assignment was filed with the application. A check of the assignee's file, however, shows that no indication has been received from the USPTO that this assignment was ever recorded.

In any event, the applicant has appended to this response another assignment to Wang Laboratories, Inc. of rights in this invention. There is also appended to this response another terminal disclaimer wherein the assignee disclaims the terminal part of any patent granted on this application beyond the term of U.S. Patent 4,926,419.

It is respectfully requested that both of these documents be recorded, thereby overcoming the Examiner's final rejection of Claims 1-3 and 5-14. The Examiner is respectfully requested to remove this final rejection and to pass this application to issue.

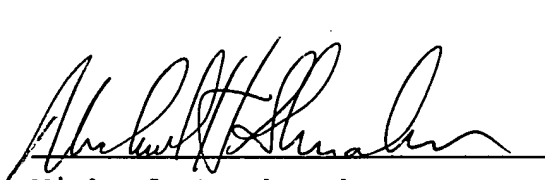
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PATENT

Should any matter remain unresolved the Examiner is invited to contact by phone the undersigned attorney at the number appearing below, or Harry F. Smith (Reg. No. 32,493) at (203)259-1800.

Respectfully submitted,



Michael H. Shanahan

Reg. No.: 24,945

Jan 16, 1991
Date

Chief Patent Counsel
Wang Laboratories, Inc.
One Industrial Avenue
Lowell, MA 01851

Telephone (508)967-6020

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Kenneth L. Milik
Name of Person Making Deposit

January 17, 1991
Date